

DATE

James Clark
17746 British Ln
Baton Rouge, LA 70810

Re: Ethics Board Docket No. 2016-266

Dear Mr. Clark:

The Louisiana Board of Ethics, at its May 20, 2016 meeting, considered your request for an advisory opinion regarding whether you, as a former employee of the Governor's Office of Homeland Security and Emergency Preparedness (Office), can provide services pursuant to a contract between your current employer, Deloitte & Touché, LLP (Deloitte), and the State of Louisiana involving the Disaster Recovery Division (Disaster Recovery). You provided the following background information for consideration in connection with your request:

From February 2012 through March 2014, you were employed as the Executive Officer of Disaster Recovery within the Office. As Executive Officer, you were responsible for administering the Stafford Act Individual Assistance, Public Assistance, and Hazard Mitigation programs through the federal government as well as State assistance provided through the Interim Emergency Board. Additionally, you were involved in the administration of recovery grants, grant close out and management of technical and programmatic requirements for Disaster Recovery. Thereafter, until May 2015, you were employed as the Assistant Deputy Director for the Grants and Administration Division (Grants & Administration) within the Office. As Assistant Deputy Director, you were responsible for managing the administrative costs for the Stafford Act programs and providing financial services to process payments. The grants for State Management Cost, for which you were responsible, cover the Office's costs for facilities, salaries, contracts, and other operating costs to administer the programs.

In your current position as Senior Manager of Crisis Management for Deloitte, you would be providing technical services in support of Stafford Act grant programs, including the Public Assistance and Hazard Mitigation programs, which are administered by the Office. As such, you would be administering the grants provided to rebuild government infrastructure under the Stafford Act. These services would support an external audience and assist the Office in executing its mission as opposed to supporting the Office's internal operations.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you from providing technical services in support of Stafford Act programs pursuant to a contract between Deloitte and the State. La. R.S. 42:1121A(1) prohibits a former agency head, for a period of two years following the termination of his public service as the head of such agency, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency or rendering any service on a contractual basis to or for such agency. La. R.S. 42:1121B(1) prohibits a former public employee, for a period of two years following the termination of his public employment, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which he participated at any time during his public employment and involving his former governmental entity. La. R.S. 42:1121B(1) also prohibits a former public employee, for a period of two years following termination of his public employment, from rendering any service which he had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of his former agency. Your service as the Executive Director of Disaster Recovery ended in March of 2014. Furthermore, as the Assistant Deputy Director of Grants & Administration, you were responsible for the grants for State Management Cost, which cover the Office's costs for facilities, salaries, contracts and other operating costs to administer the programs. Therefore, it would not present a violation of the Code if you provide technical services in support of Stafford Act programs pursuant to a contract between Deloitte and the State.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Vivian Haley Williams
For the Board